



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: H. Peter L'Orange, Historic Preservation and Neighborhood Planner
DATE: 12 December 2012
SUBJECT: 393 Court Street; Area Variances for Signage
TAX ID #: 161.22-1-12
CASE: 2012-28
COPIES: B. Seachrist, T. Costello, B. Berg (District 7), P. Doyle, File

A. REVIEW REQUESTED

Patrick Doyle of Rapp Signs, Inc, has submitted an application for an area variances related to signage for an existing Motor Vehicle Sales, New, business, Jack Sherman Toyota, at the property known as 393 Court Street; the property is located in the C-1, Service Commercial District. The property is owned by Jack Sherman, Inc. The property owners have been completing a façade redesign; as part of that, the property owners propose to install new signage.

The property owners has proposed the following signs for the project:

- “Toyota w/Logo” wall sign, 48.54 square feet, illuminated
- “Jack Sherman” wall sign, 20.93 square feet, non-illuminated
- “Service” wall sign, 4.78 square feet, illuminated
- “Scion” wall sign, 16.52 square feet, illuminated

All of the signs would face onto Court Street; none are directed towards residential properties.

Article XI, Sign Regulations, of the City of Binghamton Zoning Code establishes the standards for signage in the City of Binghamton. §410-65 of the Zoning Code establishes the specific signage standards for the C-1 District. The submitted sign plan does not comply with a number of these standards, and therefore, the proposal would require the area variances listed below:

	Permitted by Zoning Code	Proposed
Maximum Number of Wall Signs	1 wall sign	4 wall signs

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;

- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. ADDITIONAL REVIEWS

The use is an existing, approved use. The sign proposal does not require approval from the Planning Commission.

The project is not located within a historic district; the proposed project does not require design review from the Commission on Architecture and Urban Design (CAUD).

The project is located within the Local Waterfront Revitalization Program (LWRP) area; however, signage modifications do not require consistency review by the Waterfront Advisory Committee.

The proposed project does not include any modifications to the surface lot and does not require a Stormwater Pollution Prevention Plan (SWPPP).

The project is located within 500 feet of a State route (Court Street) and requires 239 L&M review from the Broome County Planning Department; it is currently under review.

C. SITE REVIEW

393 Court Street, is a 1.68 acre parcel bounded by Court Street on the south and Moeller Street on the west.

Land use in the vicinity of 393 Court Street is a mix of commercial and residential. The commercial uses are concentrated on Court Street, and along Robinson Street located a block to the north; the area between the two commercial streets is residential, with mostly single- and two-family dwellings. The commercial uses in the vicinity include: other automotive-related services (repair shops, gas stations, et cetera); general retail businesses; and some restaurants.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

295 Court Street: Area variances were granted to Binghamton Material Handling Inc. in 1998 to permit

additional signage.

336 Court Street: The Planning Commission granted a Special Use Permit to Hansmann's Mills in 1995 to operate a light manufacturing facility and retail outlet for dessert mixes.

373-375 Court Street: A Special Use Permit request to operate a used car dealership was granted to Charles Hutchings in 1996.

397 Court Street: The Planning Department approved a Series B Site Plan application submitted by James Corey in 1999 to use the property as an off-street parking lot.

405 Court Street: In 2008, the Planning Commission approved a Series A/Special Use Permit to operate a new & used car sales facility with minor repairs. A condition of the approval was the improvement of the fence located to the north of the property.

409-413 Court Street: In 1986, a request by Dean Fowler Oil Company for an area variance to construct an addition to an existing convenience store was approved by the Zoning Board of Appeals.

429 Court Street:

- The Zoning Board of Appeals granted area variances of off-street parking and drive-thru stacking requirements to Courterback Development in 1998.
- An area variance of setback requirements for a sign was granted to Courterback Development in 1999.

444 Court Street: The Planning Commission granted a Special Use Permit to Fred Marcello in 1994 to operate a used car dealership.

1 Mason Avenue: In 2008, the Planning Commission approved a Series A/SUP for 405 Court St/1 Mason Avenue in order to operate a new & used car sales facility and repair shop.

2 Moeller Street: A Series B Site Plan application submitted by James Corey to expand his car dealership was approved in 1994.

4 Moeller Street: A request for use and area variances to construct an off-street parking lot for Jack Sherman Toyota was approved in 1994.

6 Moeller Street: The Zoning Board of Appeals granted area variances to Jack Sherman Toyota in 1996 to allow an off-street parking lot for customers and employees of the business.

45 Moeller Street – The Zoning Board of Appeals granted an area variance to Melvern Woods in 1990 to permit the construction of a single-car garage.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II

c. Unlisted

2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>

F. STAFF FINDINGS

Planning Staff has no major concerns related to this proposal.

G. ENCLOSURES

Enclosed is a copy of a variance the site plan packet, site photographs and application.

Sincerely,

H. Peter L'Orange
Historic Preservation and Neighborhood Planner

Enclosures